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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,691	11/13/2003	Francesco Basile	Serie 6053	9103

7590

08/02/2006

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EXAMINER
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NGUYEN, CAM N

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/712,691

Applicant(s)

BASILE ET AL.

Examiner

Cam N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on originally filed is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date originally filed.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Claim Objections

1. Claims 18, 39, & 48-49 are objected to because of the following informalities:
  - A. In claims 18 & 39, line 6, "II<sub>a</sub>" should be changed to --IIa--.
  - B. In claim 39, line 8, "columns" should be changed to --groups--.
  - C. In claims 48 & 49, line 1, "said method" should be deleted.

Appropriate correction is required.

### Claim Rejections - 35 USC § 112 (Second Paragraph)

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 18-37 & 39-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - A. Regarding claims 18, 22-23, 39, 43-44, it is unclear as to whether the claimed perovskite compound is the same or in addition to the perovskite crystallographic structure as recited in claims 15 & 36.
  - B. Claim 30 recites the limitation "the operating temperature of the catalyst" in line 2. There is insufficient antecedent basis for this limitation in the claim.
  - C. Claim 31 recites the limitation "said temperature" in line 1-2. There is insufficient antecedent basis for this limitation in the claim.

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D. Claim 32 recites the limitation "the operating pressure of the catalyst" in line 1-2.

There is insufficient antecedent basis for this limitation in the claim.

E. Claim 33 recites the limitation "said pressure" in line 1-2. There is insufficient antecedent basis for this limitation in the claim.

F. Claim 34 recites the limitation "said partial oxidation process" in line 1-2. There is insufficient antecedent basis for this limitation in the claim.

**Claim Rejections - 35 USC § 102(e)**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 15-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Krumpelt et al., "hereinafter Krumpelt", (PG-Pub No. 2004/0204315 A1).

Krumpelt discloses a catalyst composition comprising: a perovskite structure having the formula selected from the group consisting of  $(A_{1-x}A_x')(B_{1-y}B_y')O_{3+e}$ ; and a Ruddlesden Popper structure having the formula  $(A_{1-z}A_z'O)(A_{1-x}A_x'B_{1-y}B_y'O_{3+e})_n$ ; wherein A is selected from the group consisting of La, Y, Pr, Gd; A' is selected from the group consisting of Na, K, Ca, Sr, Ba, Ag, and Ce; B is selected from the group consisting of Ni, Co, Cu, Zn, Fe, Ga, Al, Cr, Mn, Ti, V, Mo, W, Zr, Nb, and Sn; B' is selected from the

group consisting of Ru, Rh; and x is about 0 to about 1, y is about 0 to about 0.5; and z is about 0 to about 0.5 (see page 8, claim 1). See also page 8, claims 2-24, & Examples in the reference for more details regarding process of preparing the catalyst.

No patentable distinction is seen between the claimed catalyst composition and that disclosed by Krumpelt. Thus, the claims are anticipated by the teaching of the reference.

#### **Citations**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form prepared attached.

#### **Conclusion**

7. Claims 15-56 are pending. Claims 15-56 are rejected. No claims are allowed.

#### **Contacts**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M, W, R, & F, 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen/cnn *cnn*  
July 31, 2006

*Cam N. Nguyen*  
CAM N. NGUYEN  
PRIMARY EXAMINER

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